

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

BOYNTON BEACH FIREFIGHTERS’  
PENSION FUND on behalf of itself and all  
others similarly situated,

Plaintiff,

v.

HCP, INC.; HCR MANORCARE, INC.;  
LAURALEE MARTIN; TIMOTHY SCHOEN;  
PAUL A. ORMOND; and STEVEN M.  
CAVANAUGH,

Defendants.

Case No. 3:16-cv-1106

Judge Jeffrey J. Helmick

**MOTION FOR ADMISSION *PRO*  
*HAC VICE* OF AVI JOSEFSON**

Pursuant to Local Rule 83.5(h), Plaintiff, Boynton Beach Firefighters’ Pension Fund (“Plaintiff”), by and through counsel, hereby moves this Honorable Court to admit Avi Josefson *pro hac vice* to the United States District Court, Northern District of Ohio, for the purpose of prosecuting the above-captioned case. Mr. Josefson’s contact information is as follows:

Avi Josefson  
Bernstein Litowitz Berger & Grossmann LLP  
1251 Avenue of the Americas  
New York, New York 10020  
Telephone: 212-554-1400  
Fax: 212-554-1444  
Email: avi@blbglaw.com

Attached hereto and incorporated herein as if fully rewritten are the Verified Statement and Oath of Avi Josefson.

WHEREFORE, Avi Josefson is an attorney in good standing of good and sufficient experience to conduct himself with acumen in the United States District Court for the Northern District of Ohio and Plaintiff hereby moves for the admission of Avi Josefson *pro hac vice*.

Dated: May 17, 2016

/s/ Scott D. Simpkins

John R. Climaco (0011456)

Scott D. Simpkins (0066775)

**CLIMACO WILCOX PECA TARANTINO  
& GAROFOLI CO., LPA**

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Cleveland, OH 44113

Telephone: (216) 621-8484

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*Local Counsel for Plaintiff Boynton Beach  
Firefighters' Pension Fund*

**CERTIFICATE OF SERVICE**

A copy of the foregoing was filed electronically this 17th day of May, 2016. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Scott D. Simpkins

Scott D. Simpkins

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**VERIFIED STATEMENT AND  
OATH OF AVI JOSEFSON IN  
SUPPORT OF APPLICATION  
FOR *PRO HAC VICE* ADMISSION**

I, Avi Josefson, under the authority of the rules governing admission to the United States District Court, Northern District of Ohio, Western Division, move this Court for permission to participate *pro hac vice* as counsel in the above-referenced case and would show the Court as follows:

1. I am a member of the firm of Bernstein Litowitz Berger & Grossmann LLP, 1251 Avenue of the Americas, New York, New York 10020, Telephone 212-554-1400, Fax 212-554-1444, Email [avi@blbglaw.com](mailto:avi@blbglaw.com).

2. The firm that I am a member of has been counsel for Plaintiff in the past and Plaintiff, through my assistance, was able to secure the services of Scott D. Simpkins, who is a practicing attorney, member of the State Bar of Ohio, and admitted to practice before this Court. Mr. Simpkins's bar registration number is 0066775. The firm address is as follows: Climaco, Wilcox, Peca, Tarantino & Garofoli Co., L.P.A., 55 Public Square, Suite 1950, Cleveland, Ohio 44113.

3. I became admitted to practice in the states of Illinois and New York on November 9, 2000 and September 17, 2003, respectively, and I am an active member in good standing. My Illinois and New York Attorney Registration numbers are 6272453 and 4149407, respectively. I have also been admitted to practice before the United States District Court for the Southern District of New York and the United States District Court for the Northern District of Illinois.

4. I have never been disbarred or suspended from practice before any court. Department, bureau or commission of any State or the United States, or ever received any

reprimand from any such court, department, bureau or commission pertaining to conduct or fitness as a member of the bar of any jurisdiction in which I have been licensed.

5. This Verified statement is accompanying a motion of Ohio attorney, Scott D. Simpkins, with whom I will be associated in the proceedings of this case, and below is an Oath per Local Rule 83.5(f).

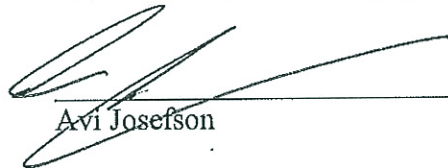
WHEREFORE, Movant, Avi Josefson, prays that this Court grant him permission to participate as a non-resident attorney in the proceedings of this case.

  
\_\_\_\_\_  
Avi Josefson

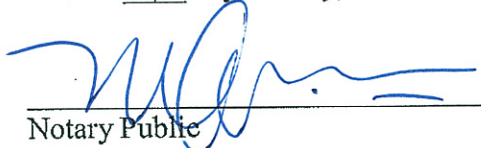
**OATH**

Pursuant to Local Rule 83.5(f):

I, Avi Josefson, do solemnly swear that as an attorney of this Court, I will conduct myself uprightly, according to the law and the ethical standards of the Code of Professional Responsibility adopted by the Supreme Court of Ohio, so far as they are not inconsistent with Federal Law, and that I will support the Constitution and laws of the United States.

  
\_\_\_\_\_  
Avi Josefson

SWORN and SUBSCRIBED to before  
me this 17 day of May, 2016.

  
\_\_\_\_\_  
Notary Public

**FARAH M NERETTE**  
Notary Public, State of New York  
No. 01NE6110588  
Qualified in New York County  
Commission Expires 9/12, 2016